

Claim 1 has been duly amended to recite the specification and to more clearly define the inventive features of the present application. Specifically, an independent thermoplastic grid section, and an independent thermoplastic insert section, wherein said insert section resides  
5 within said grid section and each insert section is coplanar and wherein said grid section and said insert section both comprise a top surface and a bottom surface, such that said grid section is in direct contact with and adjacent to said insert section thereby forming an intersection between said grid section and said insert section,  
and further comprising an adhesive backing layer on said bottom surface, said adhesive  
10 backing layer bridging and bonding said intersection of said grid section and said insert section to maintain integrity of said pavement marking pattern thereby preventing dislodging or separation of said grid and insert pattern during handling, transportation and application.

Claim 7 is rejected citing 35 U.S.C. §112 as being indefinite for failing to particularly point  
15 out and distinctly claim the subject matter which applicant regards as the invention. Amended claim 7, dependent on amended claim 1, more clearly defines the inventive features of the present application. More precisely, claim 7 has been amended to include the wording ethylene vinyl acetate (EVA). In addition, the claim 7 has been amended to include the word “comprising” and no longer is in Markush format.

#### **Claims Rejections – 35 USC 102**

Claims 1, 3-6, 12 and 16 are rejected under 35 USC 102(b) as being anticipated by Nakazawa (U.S. Patent Num. 5,238,721). Nakazawa discloses a tile floor structure comprising a flat floor surface, tiles disposed thereon and a joint interposed between adjacent of the tiles. The  
25 tiles have a shape such that the periphery of one of the tiles is adjusted to the peripheries of adjacent of the tiles by a joint. The peripheries of the tiles are provided with an elastically compressible joint tape wherein the joint tape is a closed cell foam resin, where the joint tape forms a joint at the peripheries of adjacent tiles in an elastically compressed condition when the tiles are applied to a flat floor surface and having elasticity when so compressed to  
30 prevent the tiles from moving laterally and lifting relative to the floor surface. An elastic sheet is interposed between the floor surface and the tiles having a bottom face in contact with the floor surface and an upper face in contact with the backs of the tile such that the elastic sheet prevents the tiles from moving laterally with respect to the floor surface.

The present application discloses a pre-bonded pavement marking grid and insert pattern comprising an independent thermoplastic grid section, and an independent thermoplastic insert section. The insert section resides within the grid section and are coplanar. The grid section and the insert section both comprise a top surface and a bottom surface, such that the grid section is in direct contact with and adjacent to the insert section thereby forming an intersection between the grid section and the insert section. Additionally the grid section and insert section have an adhesive backing layer on the bottom surface with the adhesive bridging and bonding the intersection of the grid section and the insert section to maintain integrity of the pavement marking grid and insert pattern thereby preventing dislodging or separation of the pavement marking grid and insert pattern during handling, transportation and application.

Grid (*def.*) “In typography, the grid system, also called grids, refers to the practice of laying out of a page using a grid of different-sized and -shaped rectangles to align items to. The purpose of the grid is to help the designer organize the content of the page in a pleasing and easy-to-digest manner for the viewer by imposing structure and cohesion to the layout. The use of grids is quite common in graphic design and the concept is also used in interior design.” [[<http://www.crystalinks.com/grids.html>]]

In the present application the pre-bonded marking pattern is the assembled combination of the grid section(s) and the insert section(s) lying adjacent, in contact with and intersecting directly with each other, which is performed *prior* to laying on surface. The aforementioned step allows for the pre-bonded marking pattern to be sprayed on the back surfaces with a hot melt adhesive, which, when it cools, bonds the intersections of the grid section(s) and the insert section(s) *together into a single moveable marking pattern*. This inventive step then allows the bonded marking pattern to be transported to the surface it is to be permanently attached to. The pre-bonded marking pattern is then adhered to the surface by heating to a preferred temperature whereby the sprayed hot melt adhesive remelts thereby permanently attaching the marking pattern to the surface.

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Based on the foregoing distinctions, the pre-bonded pavement marking pattern of the present application wherein a grid section and an insert section are preassembled apart from a surface and sprayed with a hot melt adhesive that bonds the grid section and insert section together *to enable transportation of the pavement marking pattern* to the surface in which it is to be

permanently adhered to and heated to a preferred temperature to permanently attach the pavement marking pattern to the surface - is distinctly different than peripherally wrapping a tile with an elastic tape and placing it on an elastic sheet that is positioned permanently on a surface in a desired pattern as claimed by Nakazawa.

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Additionally, dependent claims 3, 4 and 16 have been canceled, and claims 5-7 and 12 have been duly amended. The claims in amended form now specifically and distinctly point out unique features of the present application.

- 10 In response to claims 5-7 and 14 being rejected citing 35 U.S.C. §103(a) as being unpatentable over Nakazawa (U.S. Patent Num. 5,238,721) in view of Scharpf (U.S. Patent Num. 5,509,715), wherein Scharpf teaches a flooring using adhesives for bonding purposes including thermosetting, thermoplastic, hot melt and ethylene vinyl acetate (EVA) adhesives.
- 15 In summary, Nakazawa individually, and Nakazawa in view of Scharpf describe inventions that are distinctly different from the present application in that the present application includes a grid section and an insert section wherein placing the insert section(s) within a space created by the grid section(s) creates a pre-bonded pavement marker pattern with intersections wherein adhering the intersection(s) with a hot melt adhesive forms a bonded
- 20 pavement marking pattern that may be moved as a single moveable pavement marking pattern and adhered to a surface by heating to a preferred temperature.

The applicant respectfully states that the application has now been placed in condition for allowance and as such requests that the examiner move this case forward and issue such

25 notice.

#### **Claims listing**

Claim 1 (Currently amended)

Claim 2-4 (Canceled)

30 Claims 5-7 (Currently amended)

Claims 8-11 (Canceled)

Claim 12 (Currently amended)

Claim 13 (Canceled)

Claim 14 (Currently amended)

Claim 15-25 (Canceled)

Claim 26 (New)

## AMENDMENTS TO THE CLAIMS

1. (Currently amended) A pre-bonded pavement marking grid and insert pattern comprising: an independent thermoplastic first grid section, and an independent thermoplastic second insert section, wherein said ~~second section is an insert section~~  
5 created by said first section and resides within said grid section and each insert section is coplanar in relationship to first and said second section[[,]] and wherein said grid section and said insert section both comprise defining a top surface and a bottom surface, such that said first section grid section-contiguous is in direct contact with and adjacent to said insert section second-section thereby forming an intersection therebetween said grid section and said insert section,  
10 and  
further comprising an adhesive backing layer on said bottom surface, said adhesive backing layer bridging and bonding said intersection of said grid section and said insert section to maintain integrity of said pavement marking pattern thereby  
15 preventing dislodging or separation of said grid and insert pattern during handling, transportation and application.
2. (Canceled)
3. (Canceled)~~The pavement marking pattern of claim 1 wherein said first section is formed from a thermoplastic.~~
- 20 4. (Canceled)~~The pavement marking pattern of claim 1 wherein said second section is formed from a thermoplastic.~~
5. (Currently amended) The pre-bonded pavement marking grid and insert pattern of claim 1 wherein said adhesive comprises a thermosetting adhesive.
6. (Currently amended) The pre-bonded pavement marking grid and insert pattern of  
25 claim 1 wherein said adhesive comprises a thermoplastic adhesive.
7. (Currently amended) The pre-bonded pavement marking comprising grid and insert pattern of claim 1 wherein said adhesive is sprayable allowing for bridging said intersection[[s]] on the bottom surfaces of said first-grid section and said second insert section as a polyamide and wherein said adhesive is ethylene vinyl acetate  
30 (EVA) based hot melt[[.]] or other hot melt polyamide resin ~~based adhesive.~~
8. (Canceled)
9. (Canceled)
10. (Canceled)

11. (Canceled)
12. (Currently amended) The pre-bonded pavement marking grid and insert pattern of claim 1 comprising a first section said grid and a plurality of inserts of second sections, each of said inserts the second sections separated by said grid first section.
- 5 13. (Canceled)
14. (Currently amended) The pre-bonded pavement marking grid and insert pattern of claim 1 wherein said adhesive ~~comprises~~ has a softening point in a range of 90 degrees C to about 210 degrees C and more preferably in a range of 90 degrees C to about 120 degrees C.
- 10 15. (Canceled)
- ~~16. (Canceled) The pavement marking pattern of claim 1 wherein said first section comprises a grid and said second section comprises a plurality of grid inserts.~~
17. (Canceled)
18. (Canceled)
- 15 19. (Canceled)
20. (Canceled)
21. (Canceled)
22. (Canceled)
23. (Canceled)
- 20 24. (Canceled)
25. (Canceled)
26. (New) A method for making a pre-bonded pavement marking grid and insert pattern comprising: providing an independent thermoplastic grid section and an independent thermoplastic insert section, wherein said insert section is placed within said grid section keeping said insert section and grid section coplanar and wherein said grid section and said insert section include both a top surface and a bottom surface wherein said grid section is in directly contacting and adjacent to said insert section thereby forming an intersection between said grid section and said insert section,
- 25 and
- 30 further comprising applying an adhesive backing layer on said bottom surface allowing for adhesive bridging and bonding said intersection of said grid section and said insert section for maintaining integrity of said pavement marking grid and insert

pattern and preventing dislodging or separating of said pavement marking grid and insert pattern during subsequent handling, transportation and application.